

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

WILLIAM HIRST,

Defendants.

Case No: C 11-0157 SBA

**ORDER**

Docket 9

The parties are presently before the Court on Defendant's Motion for Discovery Pursuant to Rule 16 of the Federal Rule of Criminal Procedure. Dkt. 9. In Defendant's motion, he requests production from the Government with regard to sixteen separate items, Items A through P. Dkt. 9 at 11-18. In its opposition, the Government makes four arguments not directed at Defendant's Items A through P. Dkt. 12. In fact, the Government fails to respond to each of Items A through P, and does not indicate whether it opposes or consents to production under these specific items. Dkt. 12. This Court generally construes a party's failure to respond to a specific motion or request as consent to granting the motion or request. However, in light of the fact that the Government raised some arguments pertaining to production under the requests, the Court will afford the Government another opportunity to state its specific position with regard to each of Defendant's sixteen items, Items A through P, found at Docket 9 on pages 11 through 18. Should the Government fail to respond to any request, the Court will construe its failure to

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1 respond as consent to granting Defendant's motion to produce with regard to that request.  
2 Accordingly,

3 IT IS HEREBY ORDERED THAT:

4 1. Within seven (7) days from the date of this Order, the Government will file a  
5 supplemental brief setting forth a response to each of the sixteen discovery requests, Items  
6 A through P, propounded by Defendant in its motion for discovery. Dkt. 9 at 11-18. The  
7 Government shall indicate whether it opposes production under the requests, and, if so, it  
8 shall specify its reasons and supporting authority. If the Government does not oppose  
9 production under any request, it shall state that it has no opposition to the Court granting  
10 production under the request. Should the Government fail to respond to any request, the  
11 Court will construe the failure to respond as consent to granting the request.

12 2. Within seven (7) days from the date the Government files its supplemental  
13 brief, Defendant shall file its reply to the supplemental brief.

14 3. The hearing date of September 19, 2011 is VACATED. Defendant shall re-  
15 notice the motion for the next available hearing date as of the close of briefing.

16 IT IS SO ORDERED.

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19 Dated: September 14, 2011

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge